

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARY E. CANNING,

Plaintiff,

vs.

CREIGHTON UNIVERSITY,

Defendant.

**4:18CV3023**

**ORDER**

Defendant has moved to change the trial location to Omaha, Nebraska. ([Filing No. 10](#)). For the reasons discussed below, the motion will be granted, and this case will be tried in Omaha, Nebraska.

Under the court's local rules, when deciding the place of trial "the judge shall consider the convenience of litigants, witnesses and counsel," NECivR. 40.1(b)(1), with the convenience of the litigants and witnesses generally afforded greater weight than the convenience of counsel. [Bank of Beaver City v. Southwest Feeders, L.L.C.](#), No. 4:10CV3209, 2011 WL 116863, at \*1 (D. Neb. Jan. 13, 2011). Under Nebraska Civil Rule 40.1(b)(1), the judge's convenience is not a relevant factor.

Plaintiff lives in Lincoln, Nebraska, and her attorney is from Lincoln. Defendant is located in Omaha, Nebraska, and its attorney is located in Omaha. Based on the information before the court, other than Plaintiff herself, all witnesses are in Omaha, Nebraska. While Plaintiff's records for this case may be located in Lincoln, Nebraska, they can be transported to Omaha for the trial.

Having considered the convenience of litigants, witnesses, and counsel as supported by the evidence of record, the court finds that, on balance, Omaha is the proper location for the trial of this case.

Accordingly,

IT IS ORDERED:

- 1) The motion to change the trial location, ([Filing No. 10](#)), is granted.
- 2) The trial of this case will be held in Omaha, Nebraska.

March 30, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge